

REMARKS

In the Office Action dated March 18, 2009, the Examiner noted that it appears Applicants intend to use the figure of the PCT documents filed with the original application on September 13, 2005 as the figure for the United States application. The Examiner noted that a proper drawing submission had not been made, since a separate sheet was not included.

Simultaneously herewith, Applicants submit a separate document to submit a drawing for the present application, which is identical to the PCT drawing, with extraneous information removed from the drawing sheet.

Also in the Office Action, a number of informalities were noted in claims 9-14, which have been corrected.

Claims 9 and 14 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement, because the Examiner stated the claimed "annular shape" or "annular recess" of the shockwave source of the housing is not found to be adequately described in the specification. The Examiner state the figure shows a side view of the apparatus, but does not show any other view showing that the source has an annular shape. The Examiner also stated that the only annular shape described in the specification is the component referred to with reference numeral 26.

As to last point noted by the Examiner, the term "annular change 26" at page 3, line 11 of the Substitute Specification contained a typographic error, and should have been "annular chamber 26," as was correctly stated four lines later, at page 3, line 15 of the Substitute Specification.

Moreover, the annular chamber 26 is clearly not the only element that is described as being annular. The paragraph beginning at page 2, line 14 of the Substitute Specification describes the overall shockwave source 2 as being annular. That paragraph has been amended to refer to the center axis which is shown in the figure, as being the source of definition of the word "annular." Moreover, in the next paragraph beginning at page 2, line 20 of the Substitute Specification, it is explicitly stated that the support housing 8 has an approximately *hollow-cylindrical* wall part 10 that is *concentrically* surrounded by an outer wall part 12.

These explicit statements in the written portion of the specification clearly inform a person of ordinary skill in the field of designing shockwave sources that the overall structure is, in fact, annular. In view of these explicit statements, and in view of the cross-section shown in the figure, such a person of ordinary skill in this technology scarcely needs to see a plan view to clearly envision the overall structure.

Applicants therefore submit that claims 9 and 14 are fully supported in the specification as originally filed in compliance with the written description requirement of Section 112, first paragraph. Moreover, Applicants submit that the aforementioned changes to the written portion of the specification are solely editorial in nature, and merely show items that are already clearly indicated in the drawing as originally filed. No new matter is added by any of these editorial changes.

Additionally, claims 8-14 were rejected under Section 112, second paragraph as being indefinite because the Examiner stated in claim 8 it is unclear whether a section of the housing is shaped in a particular way to function as a lens, or whether

a separate lens is positioned within a housing. The Examiner noted that the figurer appears to show the lens as being a part of the housing.

Applicants submit that the original language in claim 8 referring to the lens having a support housing integrally molded as one piece with the lens clearly informs a person of ordinary skill that the structure shown in the figure of the present application is intended, rather than the separate, fitted elements of the type disclosed in the Oppelt reference (as discussed in the context of the prior art rejection below). Nevertheless, independent claim 8 has been amended to claim a unitary, one-piece molded element, and to state that the acoustic lens is formed by a lens configuration in the molded element and to state that the shockwave source is held in a support housing configuration in the molded element. Applicants therefore submit this makes explicitly clear that the one-piece element as shown in the figure, which has no seams or joints between the acoustic lens (acoustic lens configuration) and the support housing (support housing configuration) is being claimed.

Claims 8-14 are therefore submitted to be in full compliance with all provisions of Section 112, second paragraph.

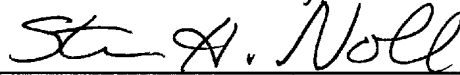
Claims 8-14 were rejected under 35 U.S.C. §102(b) as being anticipated by Oppelt. As noted above, the Examiner considers the lens in the Oppelt reference, which the Examiner acknowledges to be “fitted within the housing, nevertheless to be integrally molded as one piece with the lens.” Applicants submit that even giving the phrase “integrally molded as one piece with the lens” its broadest reasonable interpretation, as the Examiner is required to do, this phrase still clearly does not encompass the separate-component structure disclosed in the Oppelt reference. In the Oppelt reference, it is clear merely by the cross-hatching that the lens 14 is

composed of different material from the housing 1, and thus the lens 14 and the housing 1 in the Oppelt reference could not be "integrally molded as one piece" together. Applicants further submit that the aforementioned amendments to independent claim 8 make it even more unreasonable to attempt to read the subject matter of claim 8 on the structure of Oppelt, wherein individual components are fitted together. The Oppelt reference therefore does not anticipate claim 8, nor any of the claims depending therefrom.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



(Reg. 28,982)

SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicants.

CH2\7382477.1